

# Morgan Lewis

# MEMO ENDORSED

**Michael E. Tracht**

+1.212.309.6367

michael.tracht@morganlewis.com

October 7, 2020

**VIA ECF**

Hon. Kenneth M. Karas, U.S. District Judge  
U.S. District Court, Southern District of N.Y.  
300 Quarropas Street  
White Plains, NY 10601

Re: *Chartwell Therapeutics Licensing LLC v. Harris Pharmaceutical, Inc.*,  
No. 7:20-cv-912 (KMK) (LMS)

Dear Judge Karas:

We represent Defendant Harris Pharmaceutical, Inc. (“Harris”) in the above-captioned action. Pursuant to Section IX of Your Honor’s Individual Rules of Practice, Harris respectfully requests that certain information submitted by the parties in response to the Court’s order dated September 24, 2020 (ECF No. 30) be placed under seal, viewable to only the parties and Court personnel. These materials include:

- specific pricing data contained in certain agreements and purchase orders, as currently redacted from exhibits 1, 2, and 3 to the parties’ joint letter dated October 7, 2020 (ECF No. 35); and
- the entirety of the unexecuted *Supply and Distribution Agreement*, withheld as exhibit 5 to the parties’ joint letter.

A copy of the withheld agreement, and copies of the redacted materials in which the redacted information has been highlighted in blue, are being filed contemporaneously with this letter.

Harris seeks to seal these materials because they reveal the economic terms of its agreements, and the course of business negotiations with Chartwell. Such information could potentially allow one of Harris’s competitors or other business partners to gain an unfair competitive advantage. Accordingly, if Harris were to produce these materials in discovery, it would designate them as “Confidential” pursuant to the protective order entered in this action (ECF No. 17).

**Morgan, Lewis & Bockius LLP**

101 Park Avenue  
New York, NY 10178-0060  
United States

**T** +1.212.309.6000  
**F** +1.212.309.6001

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Harris therefore respectfully requests that the Court enter an order protecting these confidential business materials from public filing. Chartwell does not oppose this motion.

Respectfully,

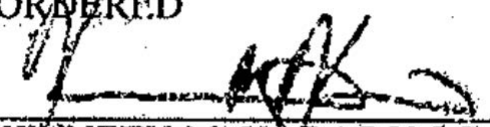
*/s/ Michael E. Tracht*

Michael E. Tracht

c: Counsel of record (via ECF)  
John K. Gisleson, Esq. (via email)

**GRANTED.**

**SO ORDERED**

  
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**KENNETH M. KARAS U.S.D.J.**

**October 8, 2020**